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1 and cloud- or server-based back ends, I'm -- I'm not
2 sure how old that would be. I'm not sure it would be
3 fair to call it relatively new. That's the kind of
4 thing that, you know, technologists could debate over
5 for -- for a while.

6 Q So prior to the introduction of Android in 2007,
7 had Sun ever licensed Java SE for use in any device
8 other than a desktop or a server?

9 A Sorry, prior to?

10 Q The release of Android in 2007.

11 A Okay. Sorry, I feel like I've lost the question.
12 Prior to --

13 Q The release of Android in 2007, had Sun ever
14 licensed Java SE for use in a device other than a
15 desktop or a server?

16 MS. LEWIS-GRUSS: Objection.

17 THE WITNESS: Java SE -- well, yes.

18 BY MR. MULLEN:

19 Q What devices were those?

20 A Well, we have -- I feel like -- sorry, the
21 question -- I feel like I'm missing something in the
22 question because it's, like, something we have talked
23 about a lot -- a lot, right? Like, there's hundreds of
24 customers who have licensed Java SE for an embedded
25 case, whether it be an appliance or a device or

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1 whatever, prior to -- prior to 2011, yeah.

2 Q So I'm asking prior to 2007, though.

3 A Prior to 2007, no.

4 Q Prior to when Android came out, had -- strike
5 that.

6 Prior to the release of Android in 2007, had Sun
7 licensed Java SE for use other than in a desktop or a
8 server?

9 A So I would have to check in on that, but I --
10 I -- like, for a specific example, I'm sure they would
11 have prior to 2007.

12 Q Well, what specific example are you thinking of?

13 A Well -- well, that's just it. I would have to --
14 I would have to go and look. Like, there has to have
15 been embedded cases going back to -- to the beginning of
16 Java. I mean, Java SE started as a -- something that
17 was targeted to set-top boxes, right? So, I mean,
18 Java SE, sure, has been licensed for nondesktop-server
19 usage since the beginning of its existence.

20 Q Returning back to Exhibit D here, is it your
21 opinion that Android has harmed the market for Java in
22 cameras?

23 A In cameras. So -- so what I know is that there
24 are -- there are Android-based cameras, and if there are
25 Android-based cameras, that those could have been

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1 Java-based cameras. And I know -- at one point, I
2 thought it was [REDACTED] I don't see it on this list, but
3 I know, at one point, sales had been working on a -- a
4 camera manufacturer, but I would have to go and look at
5 the specific -- which specific salesperson and which
6 specific customer it was, but I believe it was [REDACTED]
7 that they were looking at doing a deal with. That was a
8 while ago.

9 Q Other than what you just testified to, is there
10 any basis for your opinion that Android has actually
11 harmed the market for Java in cameras?

12 A Yes. To -- again -- well, sorry, other than what
13 I already testified -- yeah. To the degree that Android
14 is there, Java could be there, yeah.

15 Q Is it possible that Android is used in cameras
16 because Android offers some technical advantage to Java?

17 A I don't believe so.

18 Q You don't believe that Android offers any
19 technical advantages to Java?

20 A I think of Android as an application development
21 framework, just like Java is an application development
22 framework, and in the conversations that I've had with
23 customers, with sales, with -- with press, you know,
24 based on what I read in terms of white papers and what
25 people are doing with Android, I -- that's my belief, is

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1 that they see -- see them both as application
2 development frameworks.

3 Q But Android is also an operating system; correct?

4 A It -- maybe it includes an operating system, but
5 it's easy to get an operating system.

6 Q Okay. Has Oracle actually lost any deals in the
7 market for cameras to Android?

8 A So -- so you are saying, am I aware of a case
9 where a salesperson had a specific Android versus Java
10 showdown and we lost -- like, I'm not aware of -- of
11 anything that specific, but, again, what I am aware of
12 is a -- that there is Android on cameras, and so Java
13 could also be on that camera.

14 Q And what is the basis for your opinion that just
15 because Android is on the camera that Java could be on
16 the camera?

17 A Be- -- because people believe that they are the
18 same thing; because application developers see Android
19 as Java. We see, over and over and over again in job
20 openings, we see it in marketing materials, people
21 referring to the noun "Android Java" as if it's a thing
22 when it's not.

23 Q Do you believe that Android has harmed the market
24 for Java in voice-over-IP phones?

25 A So we -- I know we have -- and I know this

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1 because every time you reboot your [REDACTED] or every
2 time I reboot my [REDACTED] phone when I'm in our Santa Clara
3 office, I see -- I see the Java logo appear, and so to
4 the degree that there is Android in voice-over-IP
5 devices like those, yes.

6 Q But I'm asking whether Android has actually
7 harmed the market for Java in voice-over-IP phones?

8 A Yes. And I actually don't see voice over IP.
9 I'm hoping that we have -- I don't see we have the -- do
10 you know what page -- oh, okay, there it is. It's
11 funny we don't -- oh, there it is. I was going to say,
12 it's funny we don't have [REDACTED] but we do.

13 Yeah, so I -- I would have to check with sales to
14 see if they were aware of specific Android-related VoIP
15 phones that they had lost opportunities to.

16 Q Sure.

17 You are not aware of any harm that Android has
18 caused to Oracle in the market for voice-over-IP phones?

19 MS. LEWIS-GRUSS: Objection.

20 THE WITNESS: Yeah, so in this moment, I'm not
21 aware of any cases where we have lost a deal to -- to
22 Android.

23 BY MR. MULLEN:

24 Q And are you aware of any harm that Android has
25 caused to Oracle in the market for printers?

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1 A Yes. So that goes back to the [REDACTED] example,
2 and so, you know, what we see -- what we saw there is
3 basically price -- price erosion where we -- we were
4 expecting, based on other deals with other printer
5 companies, a certain price point, but this customer had
6 been using Android and using that as leverage, and so we
7 settled for what I believe is a much lower price.

8 MS. LEWIS-GRUSS: We have now been going over two
9 hours. It's about two hours and three minutes on the
10 record, so I would just ask that you begin to wrap up
11 your line of questioning.

12 MR. MULLEN: Yeah, I'm almost done.

13 Q Is it your opinion that Android has harmed the
14 market for GPS devices for Java?

15 A Yeah, so there's a -- there's -- there's a couple
16 ways we could look at that, is that, you know, the GPS
17 market is largely Android-phone-based, I guess, to some
18 degree. So -- but, yeah, I mean, we -- we had a license
19 deal with [REDACTED] Again, similar to the [REDACTED] phone,
20 this is something I know as a consumer really well
21 because I turn on my [REDACTED] and there would be -- be the
22 Java logo, but to the degree that there is -- there are
23 Android GPS devices, we -- we should be there, and
24 similar to the VoIP phone, I'm not aware of a specific
25 example.

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1 Q And just what product does Oracle license in the
2 VoIP phone world?

3 A So I believe -- well, so I know [REDACTED] is ME, but
4 I -- you know, again, it was -- that was -- we have had
5 that deal for a fairly long time. Like, I remember
6 using [REDACTED] phones with -- with Java on it, I want to
7 say, almost ten years ago, and so with today's
8 processing power, it could easily be SE, right? SE, ME,
9 it wouldn't matter. They are interchangeable at that
10 point for that type of use.

11 Q Is it your belief that Android has harmed the
12 market for Java in vending machines and kiosks?

13 A Yeah, so in -- so kiosks, let's see what examples
14 we have here. So -- so kiosks is -- this is more of a
15 Java SE case, because, typically, a kiosk is going to be
16 running a -- kind of a desktop class machine. It's
17 basically a desktop computer in a box, right? And so
18 we -- and the reason I'm somewhat more familiar with
19 this market -- or, yeah, I'm quite familiar with this
20 market is because a lot -- there's a lot of compliance
21 cases around the BCL where people are using Java in the
22 kiosk and -- and -- anyway.

23 So, yeah, and so to the degree that -- that these
24 companies are using Android instead of Java, we have
25 been harmed.

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1 Q But are you aware of any such instance?

2 A So -- yeah, so I'm not aware of a specific
3 instance. I -- I do know, though, in some of the
4 conversations we have had around compliance, that sales
5 has mentioned that as a point of negotiation, that they
6 are looking at going Android which makes the go-forward
7 part of the deal -- like the go-backward part of the
8 deal is secure, but the go-forward is always in
9 question. And software suffers from price erosion.

10 Q Is it your opinion that Android has harmed the
11 market for Java in payments at point-of-sale terminals?

12 A Yeah, so -- but I'm going to kind of file that
13 with -- you know, with VoIP and GPS.

14 I mean, the company that I worked with the most
15 on point of sales we -- we have acquired, but we had
16 a -- an extensive licensing -- Java licensing deal with
17 a company called [REDACTED] that made point-of-sale systems,
18 and we bought them a couple years ago. I can't recall
19 personally getting involved in -- in other
20 point-of-sale-type deals, but, again, you know, this is
21 a -- a sales thing, and to the degree that -- that they
22 are using Android, they could be using Java.

23 Q But you are not aware of any specific examples?

24 A No. I would have to check with sales.

25 Q Other than what you have testified to today, is

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1 there any other bases for your opinion that Android has
2 harmed the market for Java in any of these markets that
3 we have just discussed?

4 A Well, so we have talked about the -- the loss of
5 revenue, like, directly and, like, from, you know, where
6 we had a licensee and then didn't. We talked about
7 where there's market niches where we should be there and
8 can't even get started, like with wearables.

9 But the other part of the harm here has to do
10 with developers, right? And the fact that as developers
11 transition and -- and start writing for Android, they
12 kind of get stuck there, right? And so then getting
13 them back to the compliant and compatible Java ecosystem
14 that companies like IBM and Red Hat and SAP and all
15 these other companies that have all this technology,
16 there's -- there's harm there as well.

17 Q And has Oracle actually lost developers to
18 Android?

19 A So -- so it depends -- well, when -- the way you
20 say "lost" there, right? So every developer that's
21 writing on Android is -- is a developer that's not
22 writing on Java. So, yes, we have lost developers.

23 Q But the developers who write for Android are
24 using the Java programming language; correct?

25 A They are using the language, yeah.

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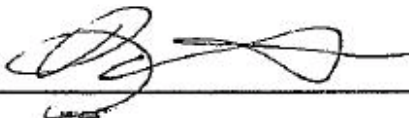
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2
3
4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken before
7 me at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that a verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney or any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed
18 my name.

19
20 Dated: April 11, 2016
21

22

A handwritten signature in dark ink, appearing to read 'Rachel Ferrier', is written over a horizontal line.

23
24 RACHEL FERRIER

25 CSR No. 6948